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REISSUE PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re	: Reissue Patent Application of Robert A. Vito for U.S. Patent 5,881,587	: Previous Examiner: Suzanne D. Barrett
Serial No.	: Not Yet Assigned	: Previous Group Art Unit: 3627
Filed	: Herewith	
For	: ANTI-THEFT BRAKE OR CLUTCH LOCKING DEVICE	: Attorney Docket No. 10332-1R2

PRELIMINARY AMENDMENT

Preliminary to the calculation of fees and examination of the above-identified reissue application being transmitted herewith, please amend U.S. Patent No. 5,881,587 (the '587 patent) without prejudice or disclaimer, as follows

In the Abstract:

Please replace the paragraph of the abstract with the following:

A device for locking [the] a brake pedal and brake pedal shaft of a vehicle, [and preventing its theft comprising:] which includes a base member for a placement on [the] a floorboard of [a] the vehicle beneath [a] the brake pedal[;] and break pedal shaft. [a] A U-shaped housing [extending] extends downward and [having] has a first arm attached to the base and [having] a second shorter arm defining [a gap] an opening for receipt of [a] the brake pedal shaft[,]. [said space] The opening between the first and second arms [defining] defines a slot for receiving the brake pedal shaft and [permitting its] permits

full extension of the brake pedal shaft upward through said [shaft;] slot. [and] A locking [means] mechanism is associated with the [second] first arm for locking [the] an underside of the pedal shaft within the slot such that the brake pedal cannot be depressed.

In the Specification:

Please amend the specification as follows:

Replace the paragraphs beginning at column 3, lines 46, 48, 51, 53, 55, 58 and 61 with the following paragraphs, respectively:

FIG. 1 is [an elevational] a perspective view of the brake anti-theft device of the present invention.

FIG. 2 is [an elevational] a perspective view of the handle and lock pin utilized with the brake lock mechanism of the brake anti-theft device of the present invention.

FIG. 3 is [an elevational] a perspective view of the brake locking anti-theft device of the present invention in an inactive position.

FIG. 4 is [an elevational] a perspective view of the brake locking anti-theft device of the present invention in an activated state.

FIG. 5 is a [side perspective] front elevational view of an alternative embodiment of the brake locking anti-theft device of the present invention.

FIG. 6 is a [perspective] right side elevational view of the alternative embodiment of the brake locking anti-theft device of present invention [along line 6—6 of] shown in FIG. 5.

FIG. 7 is a partial perspective view of yet an additional base embodiment for use in the present invention.

Replace the paragraph beginning at column 4, line 27 with the following:

For purposes of explanation the present invention is now described in the context of a device which locks a brake pedal 50 in an upward position, thus preventing the disabling of the BPSI of the vehicle. Referring now to FIGS. 1 to 4, the brake lock anti-theft device of the present invention 10 comprises a base 12 which is placed on the floor of the vehicle adjacent to the brake pedal 50 and shaft 13. The base 12 thereby is affixed flush to the floorboard 35 of the vehicle directly below the brake pedal 50 and pedal shaft 13.

Replace the paragraph beginning at column 4, line 36 with the following:

Extending from the base 12 is a U-shaped steel housing 14 which extends downward. The U-shaped housing comprises two arms 16, 18. One arm 16 of the U-shaped housing is shorter than the other 18 thereby defining an opening 20 which extends to a slot 22 defined by the space between the arms legs of the U-shaped housing 14. The opening 20 facilitates the placement and removal of the brake pedal shaft 13. In a preferred embodiment, slot 22 should have an approximate width of the steel brake pedal

shaft 13 such that the brake pedal shaft 13 extends through the slot 22 and up to a extended position. In this position, the pedal 50 can be depressed freely as it extends downward through said slot 22.

Replace the paragraph beginning at column 4, line 50 with the following:

The invention further comprises a locking mechanism 32 associated with a second leg 18 of the U-shaped housing 14. The second leg 18 of the U-shaped housing 14 includes a cylindrical tube 24 designed to encase a slidable locking pin 26 which is attached to the end of an extendible rod 28. The rod 28 contains machined lock ratchets or serrations 30 which extend out the tube of the rectangular steel housing to a locking mechanism 32. The second end of the rod 28 comprises a handle 34 which is used to pull the rod upward.

Replace the paragraph beginning at column 4, line 59 as follows:

The preferred locking mechanism or means 32 which is utilized in the present invention may be a commercially available key operated steering wheel locking mechanism[s]. There are other locking mechanisms suggested by the present invention including combination locks. Locking mechanism or means 32 locks the machine locked ratchets 30 at the appropriate point. As shown most clearly in FIG. 4, as the rod 28 extends upward, the pin 26 enters the slot 22, pulls up (Arrow A) and secures the bottom of the brake [petal] pedal shaft 13 in an upward or unextended position so that it cannot be depressed. In this position, after being locked into place by pin 26, the brake pedal

shaft 13 cannot be depressed. Because the pedal 50 cannot be depressed, the car cannot be placed in gear.

Replace the paragraph beginning at column 5, line 6 with the following:

An alternative embodiment of the present invention is shown in FIGS. 5 and 6. As shown in FIG. 5, the base 12 and bottom of leg 16 are beveled at 45 degree angles so that the brake pedal shaft 13 can more easily be guided into and out of the slot 22 when the device is [place] placed on and removed from the brake pedal shaft 13.

Replace the paragraph beginning at column 5, line 28 with the following:

The operation of the present invention is now described with reference to the enclosed Figures and most particularly FIGS. 3 through 6. The driver or operator desiring to utilize the device 10 will unlock the device 10 and lower the pin 26 all the way down to the base 12 via the handle 34. The base 12 will then be placed on the floor board 35 under the brake pedal 50 and brake pedal shaft 13. The brake pedal shaft 13 will then extend through the opening 20 in the U-shaped housing 14 and into the slot 22 with the base 12 positioned squarely on the floor board 35 of the vehicle. The operator will then pull up the handle 34 (Arrow B) thus raising the locking pin 26 upward into the slot 22 and securing the [base] brake pedal shaft 13 at its bottom in an upward position. As shown in the alternative embodiment of FIGS. 5 and 6, the operator can place his foot on extension 36 to maximize the downward thrust of the device against the floor board 35 of the vehicle. Studs 40 secure the device against the floorboard 35 or carpet. The vehicle

operator will then lock the device in this position using the lock mechanism 32 such that the brake pedal 50 cannot be depressed, thereby disabling the operation of the vehicle.

In the Claims:

Please amend claims 1, 4-6, 9, 10, 11, 13 as follows:

1. (Amended) A device for locking [the] a control pedal and control pedal shaft of a vehicle, [and preventing the theft of] said [vehicle] device comprising:

a base member for a placement on [the] a floorboard of the vehicle beneath [a] the control pedal and control pedal shaft;

a U-shaped housing extending downward and having a first arm attached to [the] said base and having a second shorter arm defining a gap for receipt of the control pedal shaft, said [space] gap between [the] said first and second arms defining a slot for receiving the control pedal shaft and permitting [its] full extension of the control pedal shaft upward through said slot; and

a locking mechanism associated with [the] said first arm for locking [the] an underside of the pedal shaft within [the] said slot such that the control pedal shaft cannot be depressed.

4. (Amended) The device of claim 1 wherein said control pedal is a brake pedal.

5. (Amended) The device of claim 1 wherein said control pedal is a clutch pedal.

6. (Amended) A device for locking [the] a brake or clutch pedal and a brake or clutch pedal shaft of a vehicle, [and preventing the theft of] said [vehicle] device comprising:

a base member for a placement on [the] a floorboard of [a] the vehicle beneath [a] the brake or clutch pedal and [a] the brake or clutch pedal shaft;

a metallic U-shaped housing extending downward and having a first arm attached to [the] said base and having a second shorter arm defining an opening for receiving [of] the brake or clutch pedal shaft, said [space] opening between [the] said first and second arms defining a slot for receiving the brake or clutch pedal shaft and permitting [the] full extension of the brake or clutch pedal shaft both upward and downward through said slot, said first arm having a cylindrical opening therethrough;

a rod extending through said cylindrical opening and being slidable [therewith] therein, said rod having a pin which catches [the] an underside of [said] the brake or clutch pedal shaft within [the] said slot and pulls [it] the brake or clutch pedal shaft upward in a decompressed position; and

a locking mechanism for locking [the position of the] said rod and pin with respect to said housing such that the brake or clutch pedal cannot be depressed.

9. (Amended) A device for locking [the brake] a control pedal and [brake] control pedal shaft of a vehicle, [and preventing the theft of] said [vehicle] device comprising:

a base member having studs for a placement on [the] a floorboard of [a] the

vehicle beneath [a brake] the control pedal and control pedal shaft;

a [stainless steel] U-shaped housing extending downward and having a first arm attached to [the] said base and having a second shorter arm defining an opening for receiving [of a brake] the control pedal shaft, said [space] opening between [the] said first and second arms defining a slot for receiving the [brake] control pedal shaft and permitting [its] full extension of the control pedal shaft both upward and downward through said slot, said first arm having a cylindrical opening extending therethrough [and collinearly with said slot];

a serrated rod extending through said cylindrical opening and being slidable therein [therewith], said rod having a pin at a first end for catching [the] an underside of [said brake] the control pedal shaft within [the] said slot and a handle at a second end for pulling the control pedal shaft upward in a decompressed position; and

a locking mechanism adapted to lock [the] said serrated rod and pin [in position] with respect to said housing such that the [brake] control pedal cannot be depressed.

10. (Amended) The device of claim 9 further comprising extension means for facilitating the compression of [the] said device by the foot of an operator[s] against the floorboard of [a] the vehicle.

11. (Amended) The device of claim 9 further comprising studs for securing [the] said base against the floorboard of [a] the vehicle.

13. (Amended) A device for locking [the brake] a control pedal and control pedal

shaft of a vehicle, [and preventing the theft of] said [vehicle] device comprising:

a base member for a placement on [the] a floorboard of [a] the vehicle beneath [a] the control pedal and control pedal shaft;

a [stainless steel] U-shaped housing extending downward and having a first arm attached to [the] said base and having a second shorter arm defining an opening for receiving [a brake] the control pedal shaft, said [space] opening between [the] said first and second arms defining a slot for receiving the [brake] control pedal shaft and permitting [the] full extension of the [brake] control pedal shaft both upward and downward through said slot, said first arm having a cylindrical opening extending therethrough [and collinearly with said slot], said base and said second shorter arm[s] further having matable beveled surfaces to facilitate [the ease of] easier positioning of [said brake] the control pedal in said opening;

a serrated rod extending through said cylindrical opening and being slidable [therewith] therein, said rod having a pin at a first end for catching [the] an underside of [said brake] the control pedal shaft within [the] said slot and a handle at a second end for pulling [said brake] the control pedal shaft upward in a decompressed position; and

a key activated locking mechanism adapted to lock [the] said serrated rod [for] and pin [in position] with respect to said housing such that the that the [brake] control pedal cannot be depressed.

Please add claims 14-35 as follows:

14. A device for locking a control pedal of a vehicle, the pedal being

supported by a pedal shaft, the device comprising:

a base, including a first elongated member and a second elongated member, the second elongated member being secured to and extending outwardly from a lateral side of the first elongated member at a predetermined angle, the base for placement on a floor of the vehicle beneath the pedal and the pedal shaft;

a housing extending from one of the first and second elongated members;

a rod slidably disposed on said housing, said rod having a first end which engages the underside of said control pedal shaft and a second end for pulling the rod and the pedal shaft upward in a decompressed position; and

a locking mechanism positioned on the housing which locks the rod with respect to the housing to retain the pedal shaft in the decompressed position such that the pedal cannot be operably depressed.

15. The device as recited in claim 14 wherein the predetermined angle is 90°.

16. The device as recited in claim 14 wherein the second member is secured to the lateral side of the first member, approximately midway along the length of the first member.

17. The device as recited in claim 14 wherein the second leg is secured to the first elongated member at a location such that the slot is aligned with the second elongated member.

18. The device as recited in claim 14 wherein the first elongated member includes an upper surface to which the second leg is secured and an opposite lower surface, the lower surface including at least one outwardly extending member to facilitate retention of the base on the vehicle floor.

19. The device as recited in claim 18 wherein the outwardly extending member comprises a cleat.

20. The device as recited in claim 18 wherein the outwardly extending member comprises a stud.

21. The device as recited in claim 18 wherein the first elongated member includes a first cleat on the lower surface proximate to a first end thereof and second cleat on the lower surface proximate to a second end thereof.

22. The device as recited in claim 21 wherein the second elongated member includes an upper surface and a lower surface, the lower surface of the second elongated member including a stud thereon.

23. The device as recited in claim 22 wherein the stud is located on the lower surface of the second elongated member proximate to a distal end thereof.

24. A device for locking a control pedal of a vehicle, the pedal being

supported by a pedal shaft, the device comprising:

a base for placement on the floor of a vehicle beneath the pedal and the pedal shaft, the base having a lower surface for engaging the vehicle floor, the lower surface including at least one outwardly extending member to facilitate retention of the base on the vehicle floor;

a housing extending from the base;

a rod slidably disposed on said housing, said rod having a first end which engages the underside of said control pedal shaft and a second end for pulling the rod and the pedal shaft upward in a decompressed position; and

a locking mechanism positioned on the housing which locks the rod with respect to the housing to retain the pedal shaft in the decompressed position such that the pedal cannot be operably depressed.

25. The device as recited in claim 24 wherein the outwardly extending member comprises a cleat.

26. The device as recited in claim 24 wherein the outwardly extending member comprises a stud.

27. The device as recited in claim 24 wherein the base includes first and second ends and first and second lateral sides, the lower surface of the base including a first cleat proximate to the first lateral side near the first end, a second cleat proximate to the first lateral side near a second end and a stud proximate to the second lateral side.

28. The device as recited in claim 27 wherein the stud is located midway between the first and second ends of the base.

29. A device for locking a control pedal of a vehicle, the pedal being supported by a pedal shaft, the device comprising:

a base for placement on a floor of the vehicle beneath the pedal and the pedal shaft;

a housing extending from the base and including a member for enabling a user to press the device toward the vehicle floor to facilitate installation of the device; and

a rod slidably disposed on said housing, said rod having a first end which engages the underside of said control pedal shaft and a second end for pulling the rod and the pedal shaft upward in a decompressed position; and

a locking mechanism positioned on the housing which locks the rod with respect to the housing to retain the pedal shaft in the decompressed position such that the pedal cannot be operably depressed.

30. The device as recited in claim 29 wherein the member for enabling a user to press the device toward the vehicle floor comprises a portion of a cross member which extends generally perpendicularly from the housing.

31. The device as recited in claim 29 wherein the member for enabling a user to press the device toward the vehicle floor is of a size suitable for receiving the foot of a

user to facilitate pressing the device toward the vehicle floor for engagement of the locking mechanism.

32. A device for locking a control pedal of a vehicle, the pedal being supported by a pedal shaft, the device comprising:

a base for placement on a floor of the vehicle beneath the pedal and the pedal shaft;

a housing extending from the base;

a rod slidably disposed on said housing, said rod having a first end which engages the underside of said control pedal shaft and a second end for pulling the rod and the pedal shaft upward in a decompressed position; and

a locking mechanism positioned on the housing which locks the rod with respect to the housing to retain the pedal shaft in the decompressed position such that the pedal cannot be operably depressed.

33. A device for locking a control pedal of a vehicle, the pedal being supported by a pedal shaft, the device comprising:

a base for placement on a floor of the vehicle beneath the pedal and the pedal shaft;

a housing extending from the base; and

a locking mechanism comprising a rod having a locking pin on one end, the rod being slidably disposed in an opening in the housing between a first position wherein the pedal may be depressed and a second, locked position wherein the locking pin is in

engagement with a lower side of the pedal shaft for locking the pedal shaft with respect to the housing such that the pedal cannot be operably depressed, the rod having a handle on the other end, the handle having a dimension which is greater than a dimension of the opening in the housing to limit movement of the rod with respect to the housing when the rod is moved to the first position.

34. A device for locking a control pedal of a vehicle, the pedal being supported by a pedal shaft, the device comprising:

a base for placement on a floor of the vehicle beneath the pedal and the pedal shaft;

a housing extending from the base;

a rod slidably disposed on said housing and including a serrated portion, said rod having a first end which engages the underside of said control pedal shaft and a second end for pulling the rod and the pedal shaft upward in a decompressed position; and

a locking mechanism positioned on the housing which locks the rod with respect to the housing to retain the pedal shaft in the decompressed position such that the pedal cannot be operably depressed, the locking mechanism including a lock located on the housing and being in engagement with the serrated portion of the rod for locking the rod in at least the second position.

35. A device for locking a control pedal of a vehicle, the pedal being supported by a pedal shaft, the device comprising:

a base for placement on a floor of the vehicle beneath the pedal and the pedal

shaft;

a housing extending from the base; and

a rod slidably disposed on said housing, said rod having a first end which engages the underside of said control pedal shaft and a second end for pulling the rod and the pedal shaft upward in a decompressed position; and

a locking mechanism positioned on the housing which locks the rod with respect to the housing to retain the pedal shaft in the decompressed position such that the pedal cannot be operably depressed, one of said housing and rod defining two generally parallel members positioned on opposite sides of the pedal shaft when the first end of the rod engages the underside of the pedal shaft.

In the Drawings:

A proposed Drawing Amendment is enclosed showing proposed changes to Figures 1, 3 and 4-6 in red ink. Specifically, it is proposed that element numeral --14-- be added to Figs. 1, 3 and 4; that element numeral --50-- be added to Fig. 4 and that element numerals --22-- and --16-- be added and "13" be removed from Fig. 5. In addition, it is proposed that the cross section line 6-6 be removed from Fig. 5 and that Fig. 6 be modified to clarify that it is a right side elevational view.

REMARKS

Claims 1-35 are pending in the present application, with claims 1, 6, 9, 13, 14, 24, 29, and 32-35 being independent, and claims 14-35 being new. Claims 1, 4-6, 9-11 and 13 have been amended to correct antecedent basis errors. Claims 1, 4 and 5 have been

amended to change "pedal" to --control pedal--. Claim 9 and 13 have been amended to delete the element wherein the cylindrical opening and the slot are colinear, since the cylindrical opening and slot are not colinear. New claims 14-35 have been added to broaden the scope of protection afforded by the '587 patent.

The specification and abstract have been amended to correct idiomatic errors and to include missing element numerals. A submission of proposed drawing amendment is being filed herewith for approval by the Examiner. Specifically, it is proposed that element numeral --14-- be added to Figs. 1, 3 and 4; that element numeral --50-- be added to Fig. 4; and that the element numerals --22-- and --16-- be added and "13" be removed from Fig. 5. In addition, it is proposed that the cross section line 6-6 be removed from Fig. 5 and that Fig. 6 be modified to clarify that it is a right side elevational view. These requested drawing changes are made to conform to the reference numerals used throughout the specification. Approval is respectfully requested. Formal drawings incorporating the proposed changes will be submitted upon approval of the proposed drawing changes and receipt of a Notice of Allowance.

Applicant is not seeking reissue of the '587 patent based upon the corrections to the specification, abstract and drawings. It is permissible to make such corrections in a reissue application. See M.P.E.P. § 1402.

No new matter is added to the application by this Preliminary Amendment. Applicants respectfully submit that the present application is in condition for examination and such examination is respectfully requested.

Respectfully submitted,

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March 15, 2001 By: Martin G. Belisario
(Date)

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SUBMISSION OF PROPOSED DRAWING AMENDMENT FOR APPROVAL BY EXAMINER (37 C.F.R. 1.123)

Please find enclosed a copy of the previously filed formal drawings for Figures 1-6 with red ink markings, showing proposed changes to Figures 1, 3, 4, 5 and 6 for which the approval of the Examiner is requested. Specifically, it is proposed that element numeral --14-- be added to Figs. 1, 3 and 4; that element numeral --50-- be added to Fig. 4; and that element numerals --22-- and --16-- being added and "13" being removed from Fig. 5. These changes are made to conform the drawings to the reference numerals used in the specification. It is also proposed that the cross-section line "6-6" in Fig. 5 be deleted as shown in red on the copy of Fig. 5. The description of Fig. 6 in the Brief Description of the Figures is incorrect because the view shown in Fig. 6 is not taken along line "6-6" of Fig. 5. It is further proposed that Fig. 6 be modified to clearly represent a right side elevational view, as shown in red on the attached copy of Fig. 6. These requested drawing changes are made to correct inconsistencies in Figs. 5 and 6.

Respectfully submitted,

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